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October 9, 2003

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**GROUP: 1635**

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**FAX NUMBER: 1-703-872-9306**

**ATTORNEY DOCKET NO.: ISPH-0573**

**SERIAL NO.: 09/869,894**

**FILED: March 1, 2002**

**NUMBER OF PAGES: 10**

(including this sheet)

**MESSAGE:** Attached is an Amendment Transmittal Letter (in duplicate);  
Amendment in Response to Restriction Requirement dated September 8, 2003;  
and Notification of a Change of Status to Large Entity.


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\* \* \* \* \*

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AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No.	
Applicant(s): Ackerman et al.				ISPH-0573	
Serial No. 09/869,894	Filing Date March 1, 2002	Examiner Janet L. Epps Ford	Group Art Unit 1635		
Invention: ANTISENSE MODULATION OF NOVEL ANTI-APOPTOTIC BCL-2 RELATED PROTEINS					
<u>TO THE COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	41 -	41 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____					
<input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619					
<input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.					
<input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: October 9, 2003		
Bridget C. Sciamanna Reg. No. 47,333 Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053 Tel: 856-810-1515 Fax: 856-810-1454			<div>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</div> <div>Signature of Person Mailing Correspondence</div> <div>Typed or Printed Name of Person Mailing Correspondence</div>		
CC:					

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>				Docket No. <b>ISPH-0573</b>	
Applicant(s): <b>Ackerman et al.</b>					
Serial No. <b>09/869,894</b>	Filing Date <b>March 1, 2002</b>	Examiner <b>Janet L. Epps Ford</b>	Group Art Unit <b>1635</b>		
Invention: <b>ANTISENSE MODULATION OF NOVEL ANTI-APOPTOTIC BCL-2 RELATED PROTEINS</b>					
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INDEP. CLAIMS	2	3	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>50-1619</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: <b>October 9, 2003</b>		
<b>Bridget C. Sciamanna</b> Reg. No. 47,333 Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053 Tel: 856-810-1515 Fax: 856-810-1454			I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  _____ Signature of Person Mailing Correspondence  _____ Typed or Printed Name of Person Mailing Correspondence		
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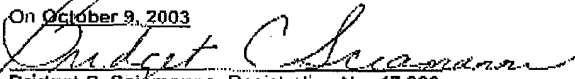
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: ISPH-0573  
Inventors: Ackerman et al.  
Serial No.: 09/869,894  
Filing Date: March 1, 2002  
Examiner: Epps Ford, Janet L.  
Group Art Unit: 1635  
Title: Antisense Modulation of Novel Anti-Apoptotic BCL-2 Related Proteins

Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

On October 9, 2003

  
Bridget C. Schjoman, Registration No. 47,333

Assistant Commissioner for Patents  
Washington, DC 20231

Reply to Restriction Requirement

This reply is to the Restriction Requirement mailed September 9, 2003 setting a one (1) month statutory period for response. Please enter the following remarks into the record.

Remarks begin on page 4 of this paper.

Attorney Docket No.: ISPH-0573  
Inventors: Ackerman et al.  
Serial No.: 09/869,894  
Filing Date: March 1, 2002  
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#### REMARKS

Claims 1-41 are pending in the instant application. Claims 1-41 have been subjected to a Restriction Requirement under 35 U.S.C. §121 and 37 C.F.R. §372. The Examiner has required election of a single group as follows:

Group I, claims 1-17 and 34, drawn to antisense compounds 8 to 30 nucleobases in length targeted to a nucleic acid molecule encoding a novel anti-apoptotic bcl-2-related protein and compositions thereof.

Group II, claims 18-33 and 35-41 drawn to methods comprising the administration of, or contacting antisense compounds targeted to a nucleic acid molecule encoding a novel anti-apoptotic bcl-2 related protein to cells or tissues.

The Examiner suggests that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same or corresponding special technical features. The Examiner suggests that the technical feature shared between the groups is antisense oligonucleotides 8 to 30 nucleotides in length targeted to nucleic acid encoding an anti-apoptotic bcl-2 related protein. However, the Examiner

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Inventors: Ackerman et al.  
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further suggests that there is no special technical feature that makes a contribution over the prior art.

The Examiner yet further suggests that Chao et al., teach the use of antisense constructs in the inhibition of bcl-1 leading to an induction of apoptosis in TF-1 myeloid progenitor cells. The Examiner suggests that antisense oligonucleotide primer of Chao et al. meets all of the structural limitations of the product according to the invention of Group I. The Examiner therefore suggests that Chao et al. is considered to anticipate the technical feature shared between Groups I and II. Therefore, it is suggested that the invention as claimed in Groups I and II lack unity of invention.

Applicants respectfully traverse this restriction requirement.

Under PCT Rule 13.2, where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a

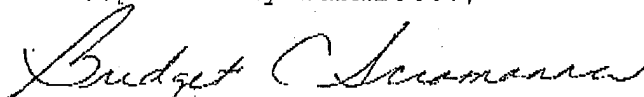
Attorney Docket No.: ISPH-0573  
Inventors: Ackerman et al.  
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Filing Date: March 1, 2002  
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contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

All of claims of the instant application relate to the single feature of an antisense compound 8 to 50 nucleobases in length targeted to a nucleic acid molecule encoding a novel apoptotic bcl-2-related protein wherein the antisense compound modulates expression of the apoptotic bcl-2-related protein. Thus, Applicants respectfully disagree that the regions as set forth by the Examiner lack unity under PCT Rule 13.1 or 13.2.

However, in an earnest effort to be completely responsive, Applicants elect the Group I, claims 1-17 and 34, with traverse.

Respectfully submitted,

  
Bridget C. Sciamanna  
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Date: October 9, 2003

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Applicant(s): Ackerman et al.			
Serial No. 09/869,894	Filing Date March 1, 2002	Examiner Janet L. Epps Ford	Group Art Unit 1635
Invention: ANTISENSE MODULATION OF NOVEL ANTI-APOPTOTIC BCL-2 RELATED PROTEINS			
<p>I hereby certify that this _____ <u>Notification of a Change in Status</u> _____ (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306 )</p> <p>on <u>October 9, 2003</u> (Date)</p> <p style="text-align: center;">Bridget C. Sciamanna (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: center;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p> <p style="text-align: right; font-size: 2em; opacity: 0.5;">OFFICIAL</p> <p style="text-align: right;">RECEIVED CENTRAL FAX CENTER OCT 09 2003</p>			